

1 COREY R. AMUNDSON
Chief, Public Integrity Section
2 Criminal Division
U.S. Department of Justice
3 DAHOUD ASKAR
Trial Attorney, Public Integrity Section
4 1301 New York Ave. NW, 10th Fl.
Washington, DC 20005
5 202-368-1667
Email: Dahoud.Askar@usdoj.gov
6 ALEXANDER GOTTFRIED
Trial Attorney, Public Integrity Section
7 1301 New York Ave. NW, 10th Fl.
Washington, DC 20005
8 202-615-1286
Email: Alexander.Gottfried@usdoj.gov
9 *Attorneys for the United States*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 MICHELE FIORE,

16 Defendant.

Case No. 2:24-cr-00155-JAD-DJA

**Government's Opposition to
Defendant's Third Motion to Continue
Deadlines and Sentencing Date (ECF
No. 85)**

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18 Comes now the United States of America, by and through Corey Amundson, Chief,
19 United States Department of Justice, Public Integrity Section, and Alexander Gottfried and
20 Dahoud Askar, Trial Attorneys, and responds to the defendant's third Motion to Continue
21 the Deadlines for Post-Trial Motions and Sentencing Date. The government does not oppose
22 a modest extension of the post-trial motions deadline, but opposes any further extension to
23 the March 10, 2025, sentencing hearing.
24

Procedural Background

On July 16, 2024, a grand jury in the District of Nevada indicted the defendant on one count of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349, and four counts of wire fraud, in violation of 18 U.S.C. § 1343. (ECF No. 1.) On July 19, the defendant made her initial appearance, where the case was designated as non-complex and jury trial was set for September 24, two months later. (ECF No. 9.) Speaking to the press outside the courthouse after the hearing, the defendant expressed her desire for a trial at the earliest possible date. “There will be no continuances,” the defendant was reported as saying. “We want this now and we want this over.”¹

On August 20, 2024, the grand jury returned a superseding indictment charging the defendant with two additional counts of wire fraud. (ECF No. 20.) Notwithstanding the new charges, the defendant continued to invoke her right to a speedy trial and maintained that she would be ready to proceed on September 24 as scheduled. (ECF No. 41.) On October 3, following an eight-day jury trial (which included three and a half days of testimony from government witnesses), the jury returned guilty verdicts against the defendant on all charges. (ECF No. 68.) A sentencing hearing was initially set for January 6, 2025. (Id.)

On October 9, 2024, defendant’s trial counsel withdrew from the case and current counsel was appointed. (ECF Nos. 78, 79.) On October 15, defense counsel moved to continue the sentencing date, as well as the deadline to file post-trial motions, for at least 60 days. (ECF No. 80.) The government did not file an opposition but stipulated to a 30-day extension of the post-trial motions deadline and deferred to the court on the sentencing date. On October 18, after the post-trial motions deadline and before any ruling on the original

¹ See Exhibit A, <https://www.fox5vegas.com/2024/07/19/live-ex-las-vegas-councilwoman-pleads-not-guilty-alleged-charity-scheme/>

1 motion, the defendant filed a second request for a continuance, asking for an extension of at
2 least 90 days for the motions deadline and sentencing date. (ECF No. 81.)

3 On October 31, the Court granted the defendant's original request for a 60-day
4 extension of the motions deadline and sentencing date but denied her request for a 90-day
5 extension, resulting in the current motions deadline of December 16, 2024, and current
6 sentencing date of March 10, 2025. (ECF No. 84.) The Court noted in its order that "the
7 entire history of this case is little more than 60 days long as Fiore exercised her right to a
8 speedy trial and this case was tried on its original trial setting." (Id. at 1.) On December 3,
9 2024, the defendant filed a third motion to continue the post-trial motions deadline and
10 sentencing date, asking for another 60-day extension of both dates and a sentencing date no
11 earlier than May 9, 2025. (ECF No. 85.) As indicated in the defendant's motion, the
12 government opposes this request.

13 Argument

14 There were 67 days between when trial counsel entered his appearance in this case
15 on July 19 and when trial began on September 24. During this time, he was able to review
16 the "voluminous" discovery provided by the government, conduct his own investigation into
17 the facts, and prepare a constitutionally effective defense. There will also be 67 days from
18 when current counsel was appointed on October 9 and the current post-trial motions deadline
19 on December 16. There will be 151 days – five months – between when current counsel was
20 appointed and the current sentencing date on March 10, 2025. That is more than enough
21 time for counsel to prepare an effective sentencing argument. This is not a complex case.
22 There is no valid reason that counsel should require another 60 days – more than three times
23 as much time to prepare for sentencing as the defendant needed to prepare for a jury trial in
24 this matter.

1 The defendant's argument for an extension rests on the fact that she has not yet
2 received all of the transcripts from the September jury trial. It should be noted that by her
3 own recounting of the facts, defense counsel waited six weeks after requesting expedited
4 transcripts on October 16 to check on the status of those transcripts. In any event, she is in
5 possession of partial transcripts and is likely to receive the complete transcripts in short order.
6 Moreover, as the Court noted in its previous order, trial transcripts "are only a fraction of
7 the overall picture, which includes defense counsel's file and this court's docket—both of
8 which are readily available now." (ECF No. 84.) By her recounting, defense counsel began
9 receiving discovery in this case on October 16 and has apparently had complete discovery
10 since at least November 5. (ECF No. 85.) The defendant herself has had discovery since July
11 and was present for the entirety of the jury trial. She will also have another three months to
12 prepare and review discovery before she is scheduled to be sentenced in March 2025.

13 The defendant cannot use her change of counsel to indefinitely delay her sentencing.
14 The defendant is out of custody with relatively few conditions or restrictions on her liberty.
15 The defendant is likely to face a Sentencing Guidelines range that recommends a significant
16 period of incarceration. The defendant previously demanded a speedy trial, which was her
17 right. Now that she has been convicted, she has repeatedly sought to delay her sentencing.
18 She has already been granted a continuance which will allow her counsel more than enough
19 time to prepare for sentencing. The speedy disposition of criminal cases is in the interest of
20 the public as well as the defendant. *See, e.g., United States v. Lloyd*, 125 F.3d 1263, 1268 (9th
21 Cir. 1997) ("[T]he right to a speedy trial belongs not only to the defendant, but to society as
22 well.") It is in the public interest that the defendant be sentenced on March 10 as currently
23 scheduled.

1 DATED this 4th day of December.

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3 Respectfully submitted,

4 COREY R. AMUNDSON
5 Chief, Public Integrity Section
6 U.S. Department of Justice

7
8 /s/ _____

9 Alexander Gottfried and Dahoud Askar
10 Trial Attorneys
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